

Case No. 5:13-cv-00979-MHH

On October 22, 2014, the Magistrate Judge issued a report in which he recommended that the Court affirm the Commissioner's decision in this matter. (Doc. 19). After obtaining an extension of time, Mr. Pugh filed objections to the Magistrate Judge's report and recommendation. In his objections, styled alternatively as a renewed motion to remand, Mr. Pugh asked the Court to remand under sentence six of 42 U.S.C. § 405(g) in order for the ALJ to consider a medical report dated October 2, 2013, a report which enabled Mr. Pugh to receive a favorable decision on a subsequent petition for SSI benefits in November 2013. (Docs. 22, 22-1). The Magistrate Judge allowed the Commissioner fourteen days

to respond to the request for remand and Mr. Pugh seven days to reply.¹ On December 31, 2014, the Magistrate Judge issued an addendum to his report and recommendation and allowed the parties fourteen days in which to file objections to the addendum. (Doc. 26). Neither party objected to the addendum.

After careful consideration of the record in this case, the Magistrate Judge's report and recommendation, his addendum to the report and recommendation, and Mr. Pugh's objections to the report and recommendation, the Court adopts the report and accepts the Magistrate Judge's recommendations. With respect to Mr. Pugh's renewed motion to remand, the following timeline illustrates the degenerative nature of Mr. Pugh's vision in his left eye:

1998	20/20	(Doc. 10-9, p. 7)
March 2010	20/200	(Doc. 10-8, p. 67) ²
April 2010	20/30	(Doc. 10-8, p. 61)
July 2010	20/150	(Doc. 10-9, p. 7)
May 2012	ALJ's decision	(Doc. 10-3, pp. 8-20)
July 2012	20/150	(Doc. 16-1, p. 1)
October 2013	20/400	(Doc. 22-1, p. 2).

The magistrate judge properly concluded that the vision measurements that Mr. Pugh presented from July 2012 and October 2013 do not supply a basis for a sentence six remand because the evidence does not impact the ALJ's analysis of Mr. Pugh's vision on or before the date of the ALJ's decision. (Doc. 19, pp. 15–17

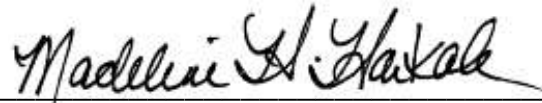
¹ The Commissioner timely filed a response to the motion to remand, but Mr. Pugh did not file a reply.

² This measurement is at odds with Mr. Pugh's overall history.

(noting that July 2012 measurement mirrors July 2010 measurement); Doc. 26, pp. 3–4).

Accordingly, the Court **AFFIRMS** the judgment of the Administrative Law Judge and **DENIES** Mr. Pugh’s motion to remand. The Court will enter a separate final order.

DONE and **ORDERED** this January 30, 2015.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE